

IN THE CIRCUIT COURT OF LEE COUNTY, MISSISSIPPI

USDC No. 1:21cv43-SA-DAS

ALLISON-GAIL SMITH,
Individually and on Behalf
of the Wrongful Death
Beneficiaries of GRACE VANDYGRIFF

PLAINTIFF

V.

CAUSE NO: CV21-006(PF)L

WALMART, INC., REGIS CORPORATION
d/b/a SMART STYLE SALON
AND JOHN DOES 1-4

DEFENDANTS

COMPLAINT

COMES NOW Plaintiff, by and through counsel, and for this her Complaint hereby sets forth the following:

1. Plaintiff and her siblings, Jarret Vandygriff and Derrick Vandygriff, are the children of Grace Vandygriff and her sole wrongful death beneficiaries at the time of her death. Plaintiff is a resident in the State of Mississippi during all relevant times herein.

2. Defendant Walmart, Inc., is a Delaware corporation which does business in Mississippi and operates Walmart store No: 258 in Tupelo, Mississippi. They may be served through their registered agent, CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, MS 39232.

3. Defendant Regis Corporation d/b/a SmartStyle, is a public place of business which rents space at the Walmart store in Tupelo, Mississippi, referenced in paragraph 2, above and may be served through its Registered Agent, National Registered Agents Inc., 645 Lakeland East Drive, Suite 101, Flowood, MS 39232.

FILED
TIME _____ AM/PM
JAN 19 2021
CAMILLE M. ROBERTS, CIRCUIT CLERK
MR D.C.

4. On or about January 28, 2018, Decedent Grace Vandygriff was an invitee guest of Walmart store and Smart Style located at 3929 North Gloster Street, Tupelo, Mississippi.

5. Upon information and belief, Smart Style rents space in the Walmart store to conduct business. Where the rental space ends and the Walmart space begins, is a change of floor type and style, and the seam was covered by a metal strip. The metal strip is designing to be flush with the floor on both sides of the seam. However, subject strip was not flush with the floor, and as a result, caught the Plaintiff's shoe, causing her to fall and be injured. This condition of not being flush with the floor is a dangerous condition that is controlled by either Walmart or Smart Style. This condition is caused by wear over time and should have been remedied by either or both of the Defendants.

6. As a direct and proximate result of this dangerous condition, Grace Vandygriff suffered a broken hip and had to undergo surgery. Further, as a direct consequence of the fall and medical care for the injury caused by the fall, Decedent suffered a perforated gastric ulcer complication which resulted in sepsis and ultimately the Decedent's death on April 1, 2018.

WHEREFORE, Plaintiff requests this Court for a judgment in favor of the wrongful death beneficiaries of Grace Vandygriff for all damages allowed by law and statute, an any amount that's determined by a jury to be fair and reasonable for the pain and suffering of the Decedent, her disability, her loss of enjoyment of life, and for consortium of her children, together with such other relief as this Court deems just and proper.

Respectfully submitted,

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JAN 19 2021

PLAINTIFF DEMANDS TRIAL BY JURY

CAMILLE M. ROBERTS, CIRCUIT CLERK



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